

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

2011 OCT 11 AM 11 12

UNITED STATES OF AMERICA)

v.)

MAIL MEDS, INC)

Criminal No

11-225

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Nelson P. Cohen, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

A one-count Information was filed against the above-named defendant for an alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Illegally Dispensing Controlled Substances From on or about June 29, 2006 to on or about October 13, 2006	21 U.S.C. §§ 841(a)(1) and 841(b)(2)

II. ELEMENTS OF THE OFFENSE

A. As to Count 1:

In order for the crime of Illegally Dispensing Controlled Substances, in violations of 21 U.S.C. §§ 841(a)(1) and 841(b)(2), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That on or about the dates set forth, the defendant distributed or possessed with intent to distribute the controlled substance charged in the information.

United States v. Lartey, 716 F.2d 955, 967 (2d Cir. 1983); United States v. Wright, 593 F.2d 105, 107-108 (9th Cir. 1979), United States v. Tighe, 551 F.2d 18, 21 (3d Cir.), cert. denied, 434 U.S. 823 (1977).

2. That the defendant did so knowingly and intentionally.

United States v. Jewell, 532 F.2d 697, 699-700 (9th Cir.), cert. denied, 426 U.S. 951 (1976), United States v. Kairouz, 751 F.2d 467, 469 (1st Cir. 1985).

3. That Phentermine is a Schedule IV controlled substance, pursuant to 21 U.S.C. § 812(c).

III. PENALTIES

A. As to Count 1: Illegally Dispensing Controlled Substances (21 U.S.C. §§ 841(a)(1) and 841(b)(2)):

The penalty that may be imposed upon Mail Meds, Inc , is:

1 A term of probation of not less than one nor more than 5 years (21 U.S.C. § 841(b)(2), and 18 U.S.C. § 3561(c)(1);

2. A fine of \$1,000,000 (21 U.S.C. § 841(b)(2);

3. Or both a term of probation and a fine (18 U.S.C. Section 3551(c); and,

4 A special assessment under 18 U.S.C. § 3013 of \$400.00

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$400.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

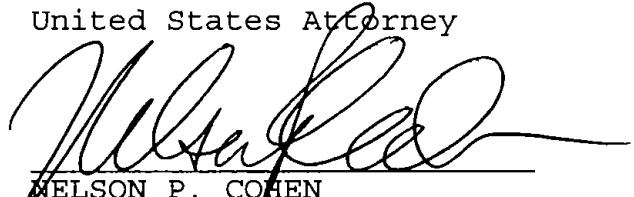
Not applicable in this case.

VI. FORFEITURE

A forfeiture complaint at Civil Action No. 06-1645 has been resolved by stipulation of the parties

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

A handwritten signature in black ink, appearing to read 'Nelson P. Cohen', is written over a horizontal line.

NELSON P. COHEN
Assistant U.S. Attorney
PA ID No. 19705